

EXHIBIT A

FILED 11/14/2023 1:55 PM, Clerk of Judicial Records, Civil Division, Lehigh County, PA
2023-C-3080 /s/KN

IN THE COURT OF COMMON PLEAS
OF LEHIGH COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

De Gallagher
C/O Piontek Law Office
58 East Front Street
Danville, PA. 17821

Plaintiff

2023-C-3080

v.
Target Corporation
1010 Dale Street North
Saint Paul, MN 55117

Defendant

Jury Trial Demanded

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THE COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE DEFENDANT. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

NorthPenn Legal Services
559 Main St #200, Bethlehem, PA 18018
(610) 317-8757

FILED 11/14/2023 1:55 PM, Clerk of Judicial Records, Civil Division, Lehigh County, PA
2023-C-3080 /s/KN

IN THE COURT OF COMMON PLEAS
OF LEHIGH COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

De Gallagher
C/O Piontek Law Office
58 East Front Street
Danville, PA. 17821

Plaintiff

2023-C-3080

v.
Target Corporation
1010 Dale Street North
Saint Paul, MN 55117

Defendant

Jury Trial Demanded

COMPLAINT

1. Plaintiff brings this action for alleged violation of the Electronic Funds Transfer Act, 15 USC 1693 et. seq.
2. Plaintiffs is De Gallagher, an adult individual, citizen of the United States, residing in Lehigh County, Pennsylvania, with a mailing address of c/o Piontek Law Office, 58 East Front Street, Danville, PA 17821.
3. Defendants are the following business entities.
 - a. Target Corporation, a business entity with a principle place of business located at 1010 Dale Street North. Saint Paul, MN 55117, which may be referred to as "Target" throughout this pleading.

- b. John Does 1-10 whose names and addresses are not known to Plaintiff at this time, but which will become known. It is believed and averred that such Does played a substantial role in the act or omissions described in this complaint, and that such Does share liability with the co-defendants under appropriate legal theories.
- c. XYZ Corporations, business entities whose names and addresses are not known to Plaintiff at this time, but will become known after discovery. It is believed and averred that such entities played a substantial role in the acts described in this Complaint, that such entities share liability with the co-defendants under appropriate legal theories.
4. Jurisdiction is proper pursuant to 28 USC 1337 and 15 USC 1693 et. seq.
5. Venue is proper in this District because Defendant(s) do(es) business in this jurisdiction and avails itself of the benefits of the market in this jurisdiction.
6. Venue is proper in this District because a substantial portion of the transaction(s), occurrence(s) or omission(s) took place within this jurisdiction.

**COUNT ONE: VIOLATION OF THE ELECTRONIC FUNDS TRANSFER
ACT, 15 USC 1693 ET. SEQ.**

7. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.
8. On or about May 16, 2023, Plaintiff visited a retail store in Lower Macungie Township, Lehigh County, Pennsylvania, owned and operated by Defendant Target Corporation. The common mailing address on the receipts generated by that Target store is as follows.

Lower MaCungie Township
749 North Krocks Road
Allentown, PA 18106
9. Prior to the commencement of this action, Plaintiffs purchased consumer goods using an electronic card linked to her own personal financial account.
10. The amount of the purchase price for said consumer goods was approximately \$90.29
11. Defendant Target Corporation's employee / agent accidentally charged Plaintiff's electronic card twice for the said merchandise.
12. Before Plaintiff left the store, she noticed the error and went to customer service to try to correct the problem.

13. Plaintiff was greeted by a male employee or agent of Target Corporation at the customer service department. Said male employee / agent identified himself as a manager by the name of "Clarence," [spell?]. Plaintiff is unsure of the exact spelling of his name.
14. Plaintiff requested her money back from the said manager Clarence.
15. Clarence told Plaintiff that nothing could be done to refund Plaintiff her money at the customer service department.
16. Clarence gave Plaintiff a \$10 gift certificate which could only be used at a retail establishment owned and operated by Target Corporation which could not be redeemed for cash.
17. Clarence told Plaintiff to contact Target Guest Services about getting her money back.
18. That same day Plaintiff with the assistance of her lawyer, Vicki Piontek called target Guest Services and requested her money back. The call was recorded and the agent or employee of Target Guest Services consented to the recording of the call after having been duly advised that that call was being recorded.
19. Target Guest Services then told Plaintiff that there was nothing they could do to to refund Plaintiff her money.
20. Target Guest Services told Plaintiff to go back to Target customer service to try to get her money back.
21. Plaintiff is not a regular customer of Defendant(s).

22. Plaintiff then sent a certified letter to the Target store located at in Lower Macungie, Lehigh County, Pennsylvania. The certified letter contained exhibits showing that Plaintiff had been double charged. The certified letter had a telephone number to call Plaintiff back.
23. No one from Target ever called Plaintiff back in response to the certified letter.
24. Target never refunded Plaintiff her money in response to the certified letter.
25. There was no clear and conspicuous external fee notice at or near the ATM that a fee would or may be charged.
26. Congress enacted the EFTA to protect individual consumer rights by "providing a basic framework establishing the rights, liabilities, and responsibilities of participants in electronic fund transfer systems." 15 U.S.C. § 1693(b). In order to be covered by the EFTA, electronic fund transfers must (1) involve a transfer of funds, (2) that is initiated by electronic means, and (3) debits or credits a consumer account. *Bass v. Stolper, Koritzinsky, Brewster & Neider, S.C.*, 111 F.3d 1322, 1328 (7th Cir. 1997).
27. The Electronic Funds Transfer Act, 15 U.S.C. §1693 et. seq. require an entity such as Defendant to provide a means to refund a consumer money that is justly due to the consumer because of an error such as the one described in this Complaint.
28. Defendant(s) violated the EFTA by failing to adequately refund Plaintiff her money.

DAMAGES

29. The previous paragraphs of this Complaint are incorporated by reference and made a part of this action.

30. 15 U.S.C. § 1693m provides that Defendant shall be liable to Plaintiff for violations of 15 U.S.C. § 1693, *et seq.* in the amount of, *inter alia*, statutory damages to be determined by the court, the costs of this action and reasonable attorneys' fees.

31. Because Defendant's action were willful, Plaintiff believed and avers that she is entitled to statutory damages of up to \$1,000.00.

32. Plaintiff requests actual damages of no less than \$90.29, or other amount determined by this Honorable Court.

ATTORNEY FEES

33. The previous paragraphs of this Complaint are incorporated by reference and made a part of this action.

34. Plaintiff is entitled to reasonable attorney fees at a rate of \$600.00 per hour, or other rate determined by this Honorable Court.

35. It is believed and averred that the fair market value of such services for services including but not limited to the following.

- | | | |
|----|---|---|
| a. | Client consultation and review of file | 1 |
| b. | Drafting, editing, review of Complaint.
Filing and service | 3 |
| c. | Follow up with Defense | 2 |

6 hours

36. The above stated attorney fees include reasonable follow up after the filing of this action.

37. Plaintiff's attorney fees continue to accrue as the case moves forward.

OTHER RELIEF

38. The previous paragraphs of this Complaint are incorporated by reference and made a part of this action.

39. Plaintiff requests and / or demands a jury trial in this matter.

40. Plaintiff requests such other relief as the Court deems just and fair

WHEREFORE, the Court should enter judgment in favor of Plaintiff in the amount of \$4,690.29 for statutory damages, actual damages, attorneys' fees, plus litigation expenses and costs of suit, and such other relief as this Court deems proper and just.

/s/ Vicki Piontek 11-12-23

Vicki Piontek, Esquire
Attorney for Plaintiff
58 East Front Street
Danville, PA 17821
215-290-6444
vicki.piontek@gmail.com
Fax: 866-408-6735

Date

FILED 11/14/2023 1:55 PM, Clerk of Judicial Records, Civil Division, Lehigh County, PA
2023-C-3080 /s/KN

IN THE COURT OF COMMON PLEAS
OF LEHIGH COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

De Gallagher
C/O Piontek Law Office
58 East Front Street
Danville, PA. 17821

Plaintiff

2023-C-3080

v.
Target Corporation
1010 Dale Street North
Saint Paul, MN 55117

Defendant

Jury Trial Demanded

VERIFICATION

I, De Gallagher, affirm that the facts stated in the complaint are true and accurate to the best of
my knowledge, understanding and belief.

D Gallagher 11/13/2023

EXHIBITS

FILED 11/14/2023 1:55 PM, Clerk of Judicial Records, Civil Division, Lehigh County, PA
2023-C-3080 /s/KN

De [REDACTED] Gallagher
[REDACTED]
Fogelsville, PA 18051
610- [REDACTED]

June 25, 2023

CERTIFIED MAIL



7022 3330 0000 5768 2648

Target, Lower Macungie Township
Attention: Store Manager
749 North Krocks Road
Allentown, PA 18106

RE: De [REDACTED] Gallagher Date of Loss 5/16/2023 Amount of Loss: \$90.29

To Whom it May Concern:

One May 16, 2023 I was double charged by your company for the same transaction. The incident took place at the Target store in Lower Macungie Township.

Your company billed both my gift card and my credit union debit card for the same transaction resulting in 2 charges. Enclosed / attached please find a receipt and my corresponding bank statement showing that I was double charged.

Your customer service representative Clarence was a witness to this. Clarence witnessed this and acknowledged that I was double charged. But Clarence claimed that he had no power to fix the problem and issue any type of a refund. Instead he gave me a \$10 Target gift card, apologized and referred me to Target Guest Services.

I then called Target Guest Services with my attorney on a consensually recorded call. The representative from Target Guest Services refused to help me or make any effort to issue a refund. Instead I was told to dispute the charges with my credit union.

The refusal to issue me a refund coupled with the advice I received from Target Guest Services is absurd.

Immediate demand is made for the refund of my \$90.29. Please call my attorney Vicki Piontek immediately to arrange for the refund. She can be reached at 215-290-6444, vicki.piontek@gmail.com. Her address is 58 East Front Street, Danville, PA 17821.

● Page 2

June 25, 2023

I would like to request a copy of my consumer report. I would like all information contained in my file.

I would like the name, address and telephone number of every person or entity to whom you provided a consumer report about me I the last 365 days. This includes both users and end users.

Enclosed please find a copy of my photo ID.

Please disenroll me from any and all credit monitoring services provided by your company. I hereby revoke any and all enrollments, subscriptions, memberships and services provided to me by your company. I do not wish to be enrolled.

I also revoke any and all arbitration provisions which may exist with your company or affiliates. This includes but is not limited to Credit Karma, or anything connected therewith.

Thank you.

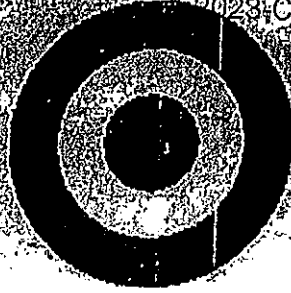
Sincerely,

De [REDACTED] Gallagher

De [REDACTED] Gallagher

Signature: [REDACTED]

Email: [REDACTED]



Lower Macungie Twp - 484-795-7347
749 N. KROCKS RD
ALLENTOWN, Pennsylvania 18106-9046
05/16/2023 04:23 PM



APPAREL

331003008 Wild Fable	N	\$5.00
331112007 Wild Fable	N	\$25.00
331011958 Wild Fable	N	\$25.00

GROCERY

055090196 AL TOIDS	TF	\$2.49
094080973 QUEST NUTRN	NF	\$8.89

HEALTH AND BEAUTY

245071456 ASPERCREME	N +	\$7.79
245070537 CORTIZONE 10	N +	\$5.29
063002081 John Frieda	T	\$8.99
037130345 VASELINE	N +	\$1.79

SUB TOTAL \$90.24

PA TAX 6.00000 on \$11.48 \$0.69

TOTAL \$90.93

*1864 GIFT CARD PAYMENT \$90.00

CASH PAYMENT \$1.00

CHANGE DUE \$0.07

WHEN YOU RETURN ANY ITEM YOUR
RETURN CREDIT WILL NOT INCLUDE ANY
PROMOTIONAL DISCOUNT OR COUPON THAT
APPLIED TO THE ORIGINAL ORDER

INDICATES HEALTH ITEM

HEALTH ITEM TOTAL: 14.87

REG#2-3135-2608-0078-7571-6 VCD#754-789-544

Help make your Target Run better
Take a 2 minute survey about today's trip

Info@target.com
User ID: 7686 3739 2992
Password: 124 284

CUENTENOS EN ESPAÑOL

Please take this survey within 7 days

FILED 11/14/2023 1:55 PM, Clerk of Judicial Records, Civil Division, Lehigh County, PA
2023-C-3080 /SKN



PO Box 20147
Lehigh Valley, PA 18002-0147
610-821-3104
apcibn.org

05/18/23 05/18/23 WITHDRAWAL ACH RAISERIGHT TYPE RAISERIGHT ID: 9670858002 CO RAISERIGHT NAME GALLAGHER, DE
05/18/23 05/18/23 WITHDRAWAL ACH RAISERIGHT TYPE RAISERIGHT ID: 9670858002 CO RAISERIGHT NAME GALLAGHER, DE
05/18/23 05/18/23 WITHDRAWAL ACH RAISERIGHT TYPE RAISERIGHT ID: 9670858002 CO RAISERIGHT NAME GALLAGHER, DE
05/18/23 05/18/23 WITHDRAWAL TRANSFER ONLINE BANKING REF # 179159 TO LOAN #####

90.25
-90.25

Vicki Piontek, Esquire
58 East Front Street
Danville, PA 17821

CERTIFIED MAIL



7019 2280 0001 6388 1176

Target Corporation
Attention: Brian C. Corness,
Chief Executive Officer
1000 Nicollet Mall
Minneapolis, MN 55403

